

OGC Has Reviewed

Memorandum for A-DD/A (General)

11 September 1951

Legislative Counsel

1. Section 601 of the "Independent Offices Appropriation Act, 1952" (Public Law 137 - 82nd Congress) reads as follows:

"Section 601. No part of the funds of, or available for expenditure by any corporation or agency included in this or any other Act, including the government of the District of Columbia, shall be available to pay for annual leave accumulated by any civilian officer or employee during the calendar year 1951, and unused at the close of business on June 30, 1952: Provided, That after July 1, 1951, no civilian officer or employee shall be entitled to earn annual leave at a rate in excess of twenty days per year: Provided further, That the head of any such corporation or agency shall afford an opportunity for officers or employees to use the annual leave accumulated under this section prior to June 30, 1952: Provided further, That this section shall not apply to officers and employees whose post of duty is outside the continental United States: And provided further, That this section shall not apply with respect to the payment of compensation for accumulated annual leave in the case of officers or employees who leave their civilian positions for the purpose of entering upon active military or naval service in the Armed Forces of the United States."

2. It is noted that this section provides that annual leave accumulated during the calendar year 1951 must be used by the close of business June 30, 1952 or it shall be forfeited.

3. It should also be noted that annual leave subsequent to 1 July 1951 shall not be earned in excess of 20 days per year. In view of the fact that two months of the fiscal year elapsed prior to the passage of this Act, the legality of the section may be challenged. However, for purposes of CIA Regulations, annual leave based on 20 days should be considered to be the law.

- 2 -

4. It should be noted that the above provisions shall not apply to employees whose post of duty is outside the continental United States at the close of business on 30 June 1952.

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5. Any CIA Regulation issued in compliance with this section should note that the law provides that the head of an agency shall afford an opportunity for employees to use the annual leave accumulated during calendar year 1951 prior to June 30, 1952.

6. Copies of this Act have been furnished the Comptroller who is drawing up the basic regulation.

Walter L. Pforzheimer

WLP/blc

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Stayback - 2

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